

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN LINDKE,

Plaintiff,

v.

Case No. 19-cv-11905

Hon. Matthew F. Leitman

TIMOTHY DONNELLON, *et al.*,

Defendants.

/

**ORDER RESOLVING MOTION FOR GUIDANCE AND ALTERNATIVELY TO
CERTIFY TO THE MICHIGAN ATTORNEY GENERAL THAT MCL 600.2950
HAS BEEN QUESTIONED (ECF No. 107)**

Now pending before the Court is Plaintiff's Motion for Guidance and Alternatively to Certify to the Michigan Attorney General that MCL 600.2950 Has Been Questioned (ECF No. 107). In that motion, Plaintiff Kevin Lindke asks the Court to provide guidance on whether notice must be given to the State of Michigan that the constitutionality of a state statute is being questioned. The Court held a hearing on the record on February 9, 2023. During that hearing, the Court provided the requested guidance. The Court explained that if it proceeds to address the merits of Plaintiff's claims in this action, it will give notice to Michigan Assistant Attorney General Eric Restuccia that the constitutionality of Michigan's non-domestic PPO statute has been called into question.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: February 9, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 9, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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